

Lecture II

Legal Sanctions of Slavery

The white man opposed politics so that they could legislate legislation to preserve slavery. They man opposed office so that ensure that their legislation was enforced.

The slave laws were therefore an important part of the slave system.

The slave laws based on the assumption that slavery was legal because property was protected by common law. In law the slave was a thing: in fact he was a person. Because he was a person whose status

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was basically present. The
planter had to highlight
his initiative of not out of
~~the~~ ^{the} ~~existence~~ ^{existence} at least out of
danger. - Hence the mass
of slave laws passed by the
Assembly - some of them express-
ing unceasing apprehension and
most of them expressing continuing
concern for their own safety.

The great majority of
slave laws were designed
to ensure that the slaves,
as persons, did not escape
from their forced status as
legal property.

One West Indian put it
thus: "the authority of the

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from over the ruling and's every-
where on the resources for sus-
taining and enforcing it" The
slave laws were one represen-
tation of these resources.

Slavery usually meant
both running away and
rebellion. and the slave
laws were usually designed
basically to prevent both
or to punish the perpetrators
very severely.

Slaves not allowed to carry
arms usually. Slaves not allowed
to go out of their plantation
without a pass; prevented
from holding "dances" or from commun-
ing with free people.

at a distance by blowing horns.
 Signs not to be used to them
 and no one to trade with them
 except by the master's consent.
 Running away was always
 unpleasant in the Code. There
 greatly I was away punish-
 able by a slave Court of
 two or more justices with or a
 jury.

Thief came in early by
 a subject for high stolen in the
 18th Century: he came the
 slave became more prompt
 it and became it was a
 violation of the rights of private
 property.

Running away was dealt
 with in the Early Slave

Codder by paying reward to them
who apprehended them.

An Act'g for example the
person who buried a runaway
was rewarded £3. J. L. Cost-
ward had value £6.

£1.8 was given to anyone who
obtained a slave absent from
his master ~~for more~~ for 2
months. Anyone seeing a
run away slave was bound
by law to attempt to capture
him

Persons concealing Run aways
were to be whipped if they were
slaves and fined if they were
free

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In the second half of the 19th
Century the further back of the
Coast gave way to the summer
beach. The aim was to
prevent slaves from pursuing
economic activities in the Town
and so making money away
from the plantation.

In order to prevent runaway
from pursuing economic activities
it was necessary in Antigua
to prevent masters from
allowing their slaves to hire
their slaves out and pay
the master a portion of their
wages.

This was carried out by

by slaves not only to supply
 them with meat all over
 but to provide them with
 articles of Trade.

Buying articles such as
 Sugar, Cotton, Molasses, Rum
 Ginger made a felony of
 a free person did or from
 a slave. The fines were
 quite heavy - £10 - £30
 on first offence or 3 months
 imprisonment - £30 - £60

for second offence with
 six months imprisonment
 £60 - £100 for third offence
 Buying from slave goods
 known to be stolen resulted
 of a fine of between £20
 and £100 with whipping

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operation of the law was to ensure

The protective effects of the law was aimed to protect the poor white in the island from competition with persons of colour and slaves.

The laws preventing slave Antigians from buying themselves out in Antigua were designed to encourage poor white Antigians to stay in the islands.

Laws also tended to discriminate against the Free Coloureds in favour of poor whites in occupations like the Sugar Trades when

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The provisions ~~to~~ a law
with meaning. The law made it
more difficult for a free person
of color to get on than a
white.

The laws on the subject
of birth & blood in relation
did not allow the owners
of estates & substitutes for
a number of white men a
proportion of free colored men.

The provisions of the Slave
Law show how completely
the law of all classes of
Society were dominated by
the need to protect the inter-
ests of the whites and to con-

had the other groups and
kept them subordinate.

Even in funeral interments
was carried out. In the Virgin
Islands no slave could be
buried after sunset, or in
any other than a plain
deal board coffin without
either covering or ornament
no slave or favours should
be worn by slave at the
Funeral.

In 1780 Antiguan prohibited
slaves from imitating "White
persons in pompous and display-
ing funeral"

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Laws that were meant to
protect Slaves:

Virgin Island had in 1793
provisions for forced holidays
for slaves; manumissions
unlawfully made should be
considered invalid; and prop-
rietors should be fined for
manumitting slave without
subsistence

St Kitts in 1793 prohibited
by fine of the practice
mutilating slaves

Antigua in 1794 passed an
Act for trying Criminal
Slaves by Jury.

But the juries were all to be white
and were upholders of some
small property in the colony.

St. Kitts had in 1783 the
most humane law against
mutilating slaves - Fine £500
and six months imprisonment.

Antigua had a similar law
fines £300.

Holidays - Laws providing
for holidays were regulating
as well as protective.

Antigua in 1783 gave two
holidays after Christmas
but forbade any other
holidays to be granted except
Sunday and forbade the

the parents to allow the freedom
of secondary to them also.

Persons giving more than the
set number of days and persons
giving less were especially entitled
to a fine of \$50. for each
offence.

measuring slaves to avoid
paying Taxes for them entered
on the owner the duty of paying
£10 annually to the public
Treasury or entering a bond
undertaking that the slave
would be subsided.

Slaves made free who
became refractory were to
be wounded up and whipped

and imprisoned for two months
to give their masters time to
claim them. If they remained
unclaimed they could be employ-
ed on the public works
indifferently.

The attempt to prevent im-
migration was due
not only to the desire to prevent
the numbers of slaves growing
but to limit destitution generally
since the colonies should a
marked ^{on} willingness to create systems
of poor relief.

The dual character of slavery
was indicated by the results
involved in a ruling as dual.

When a slave was condemned
to death, his master suffered
a loss of property by the execution
of the sentence.

∴ he had to be compensated
In the Virgin Islands in 1793
slaves condemned to death
were to be appraised by two
freeholders nominated by the
Justice. The master was
entitled to the valuation.

The property value of slaves
was also increased by the
penalties inflicted on persons
who harboured runaway slaves,
employed them or enticed them
away from the master.

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Regulation of free Coloureds part
of the regulation of the system
of subordination.

In Virgin Islands all free
persons should twice a year
be called upon to prove their
freedom. If they failed to do
so they could be whipped
or fined \$5.

All free Coloureds were to
appear a petition to answer
for their good conduct. Those
who failed to find a petition
would be fined \$5. - The
petition had to be white by
name

A free person of colour striking
a white person was punishable

to ① Summary punishment
 by a Justice (A) whipping
 first Offence (B) Whipping
 and imprisonment second
 Offence (C) Third Offence now
 slit or capital punishment.

If a white person struck a free
 coloured his position was
 on trial and was at the
 discretion of the Judge.

Free coloureds were not to
 own more than eight acres
 of land or be freeholders.

In Virgin Islands no free
 coloured could own more
 than 15 slaves unless he
 paid an extra £3/-

annually to the normal full
Tree in flower.

The laws left the powers
of masters over slaves virtually
unlimited except in cases
of manumission and betrothal.
Even her relations were left to
custody rather than law.

No slave could testify
against a white man in
court.

∴ Slave protection depended
on the good will of other
white & yach for them.
It was then difficult, almost
impossible to prove that -

the law had been broken even
when the law existed to
protect the slave.

Only real protection of the
slave was the master's interest
But interest collapsed in
some cases with a man
Satisfied for cruelty or
in the case of managers
absentee landlords of real
interest in the slave at all
from the managers

The only remedy was
either: a form of police
outside the control of the
whites (like the S.M.s during
Apprenticeship) or administering

Slave women in Court.
Both were regarded as
too revolutionary to be
predictable. The former
would have raised the
petition : Imp and interference
opposed by the local Assembly
and Imp and Expense
opposed by people at home.
The latter would have been
opposed by the whites in
the West Indies and have
been suspect to the non
negotiating of the slave at
home.

Noted force in the control
of the Slave exposed W.I
Councils to criticism at home

in an age increasing human-
breeds.

To illustrate the vehemence of the
sanction the West Indians
turned to the policy of
legal assassination - where
where it did not confer
Rights on the Slave when
upheld Christian wings which
a master could inflict.

In 1797 the Leeward
Islands passed an Act
making the killing of a Slave
the same ~~as~~ offence as
slaying a free
person, - the punishment
was death.

The number of slaves dying

suddenly showed he was
by Common Inquest. Owners
who failed to inform of the
death of a slave within
Six hours were liable to a
fine of £100.

Mistreatment of the Slave was
made a Criminal offence
and of an owner neglected
his slave the slave could
be sold - Justices were
empowered to examine
slaves on report of mistreat-
ment and remove the slave
while the hearing was going
on to a place of refuge.
N.B. The Slave still could

not give evidence.

Slaves not to be worked
before 5 AM or after 7 PM
and the quantity of cotton
customarily grown to them
was made stipulating

They could diminish the
quantity of food if they growed
the slave ~~giving~~ an acre
of land for cultivation for
every ten slaves.

Merits had to prove by
annual declaration and
inspection of record books
that

Medical attendance also
legislated for nearly to

prevent slave life on the
slave Trade was a danger.

Pregnant women let off

Work at specified periods.

"Maniepi" were to be incor-
porated: a permanent

aged: a Cohabitation -

not civil marriage.

Owners not allowed to

prevent slave from going

to Church on Sunday

and specified clergy

not allowed to charge

fees for baptisms of slaves

NR But the Act ~~had~~ had

no executive power

no slave evidence allowed

no guardians of slaves
formulated

Doctors could in the way
Congress on the petition

But to compel him or an employer
 who to lose his favor:

And to lose his favor could
 mean to lose the favor of the
 people as a whole.

Only further opinion could
 show the functioning of the
 Act. and while further
 opinion was not brought to
 the improvement in the con-
 dition of the Slave: it was
 certainly hostile to the dis-
 minution of the power of the
 master:

Elber maintains that amel-
 ioration in the Slave was
 due to two factors: the pressure

from London and the lack of
pressure from below. The
subordination of the slaves
made the improvement in
their condition possible.

But in an area like
America the whites did
not want competition from
the slaves. So it was
legionarily that they
rebelled there.